

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

ALEXANDER AND SUSAN PROUT,
as parents, next friends and legal guardians of
F.P., a minor,

Plaintiffs,

v.

ST. PAUL'S SCHOOL,

Defendant.

Civil Action No. 1:16-CV-00225-PB

**ASSENTED-TO MOTION TO EXTEND DEADLINE TO DISCLOSE CLAIMS
AGAINST UNNAMED PARTIES**

Defendant St. Paul's School ("Defendant"), by and through its undersigned counsel, and with the assent of counsel for the Plaintiffs, hereby moves to extend the deadline for disclosing claims against unnamed parties (the "*Debenedetto* deadline") to May 15, 2017. As grounds for this motion, Defendant states as follows:

1. The current *Debenedetto* deadline is currently January 15, 2017. *See*, Joint Status Report (Dkt. No. 21) & October 28, 2016 Endorsed Order approving Discovery Plan, Status Report.

2. Prior to making its *Debenedetto* disclosure, Defendant needs to conduct discovery relating to potential parties that may be named in such a disclosure. Although the parties have exchanged initial disclosures and served each other with and answered written discovery requests, the parties have not yet exchanged documents as they continue to work through issues related to ESI and confidentiality. Further, Defendant needs to depose multiple nonparties—most of whom are in college and thus have had Thanksgiving breaks and finals and either are or are soon heading into winter break—prior to making a *Debenedetto* disclosure. Defendant

provided draft third-party witness subpoenas to Plaintiffs. However, it became clear that, due to the trial and holiday schedules of counsel, the depositions could not be completed in a timely manner given the current *Debenedetto* disclosure deadline.

3. The parties agree to extending the *Debenedetto* deadline to May 15, 2017, because it would give both parties the opportunity to conduct the discovery needed prior to the deadline on a more reasonable schedule, neither party would be prejudiced, and the change in the deadline would not alter any other deadline in the Discovery Plan that the Court approved.

4. Pursuant to Local Rule 7.1(c), Defendant's counsel sought and obtained the concurrence of Plaintiffs' counsel for the relief requested in this motion. No memorandum of law is required because the relief lies within the sound discretion of this Court.

5. Pursuant to Local Rule 7.2(a), the extension of time requested will not result in the continuance of any hearing, conference, trial, or any other deadline set forth in the Discovery Plan approved by the Court.

WHEREFORE, Defendant St. Paul's School respectfully requests that this Court:

- A. Extend the deadline to disclose claims against unnamed parties to May 15, 2017;
and
- B. Grant such other and further relief as is just and necessary.

Dated: December 22, 2016

Respectfully submitted,

ST. PAUL'S SCHOOL,

By its attorneys,

McLANE MIDDLETON,
PROFESSIONAL ASSOCIATION

/s/ Benjamin B. Folsom

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CERTIFICATE OF SERVICE

I hereby certify on this 22nd day of December, 2016, this document was filed through the Electronic Case Filing System of the United States District Court for the District of New Hampshire and will be served electronically by the court to the Registered Participants identified in the Notice of Electronic Filing (NEF).

/s/ Benjamin B. Folsom

Benjamin B. Folsom